THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :4206 of 2007

DATED:02-03-2007

K.Esther.

..... PETITIONER

AND

The Commissioner of Police,
Cyberabad Police Station,
Lakdikapool,
Hyderabad & 2 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 2nd respondent in searching the house of the petitioner, and demanding to pay Rs.1,00,000/- to the 3rd respondent in pursuance of a civil transaction, as illegal, and arbitrary.

3. Learned counsel for the petitioner submits that the petitioner has to pay a sum of Rs.1,00,000/- to the 3rd respondent and for collection of the said amount the 3rd respondent approached the Station House Officer, Saroornagar police station, Dilsukhnagar, Hyderabad, and at the instance of the 3rd respondent, the respondents 1 and 2 are pressurizing the petitioner to pay the said amount and also threatening that they will register a false case against her if the said amount is not paid.

4. Having regard to the facts and circumstances, I am of the opinion that if the said allegations are true and correct, no doubt, the said action of the respondents is illegal, and also constitutes a criminal offence, but without making any representation before the superior officers, i.e., the Commissioner of Police, Cyberabad police Station, or filing any private complaint before the concerned Magistrate, filing the writ petition straightaway before this Court may not be just and proper.

5. Accordingly, the Writ Petition is dismissed with a liberty to take appropriate action in accordance with law under the Code of Criminal Procedure. No order as to costs.

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V.ESWARAIAH,J

02nd March, 2007.
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